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Human rights situations that require the Council's attention

Joint written statement* submitted by the Asian Legal Resource Centre, CIVICUS - World Alliance for Citizen Participation, non-governmental organizations in general consultative status, World Organisation Against Torture, Asian Forum for Human Rights and Development, International Federation for Human Rights Leagues, Robert F. Kennedy Center for Justice and Human Rights, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[21 August 2018]

* Issued as received, in the language(s) of submission only.

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Rapidly deteriorating human rights situation in Bangladesh in the lead-up to the general election in December 2018**

In light of the rapidly deteriorating and increasingly repressive political climate in the lead-up to the 11th Parliamentary Elections in December 2018, the International Solidarity Group for Bangladesh (AFAD, ALRC, CIVICUS, FIDH, FORUM-Asia, Robert F. Kennedy Human Rights and OMCT) submits the following joint statement.

Extra-judicial killings (EJK) as a result of 'war on drugs'

In May 2018, the government of Bangladesh declared its intention to implement a "zero-tolerance" policy against suspected drug offenders. Since then, we have registered a dramatic rise in the number of reported EJK and mass arrests of suspected drug offenders in Bangladesh. According to information gathered by Bangladeshi NGO Odhikar, from 15/05 to 31/07/2018, 211 individuals were allegedly killed in relation to the government's 'war on drugs'. As of July 2018, 37,225 people had also been arrested in the context of the crackdown,1 often in disregard of basic fair trial rights.

Law enforcement agencies have claimed that the killings were the result of shootouts during anti-drug operations. However, family members of several suspects killed during the raids have reported that their relatives were taken away by plainclothes police officers before being later found dead.

We are deeply concerned that the government's anti-narcotic campaign may be used to silence the political opposition and dissenting voices and to grant impunity to law enforcement officials responsible for human rights violations. In some cases, the victims were political activists with no connection to drug trafficking, as for example, Bangladesh Nationalist Party (BNP) activist Alamgir Badsha, who was arrested by members of the Rapid Action Battalion (RAB) and found dead the following morning.2

Enforced disappearances (ED) continue

ED continue, despite the government's repeated denial that these occur in the country.3 The families of the disappeared are increasingly afraid of denouncing the incidents for fear of reprisals and there are only a few independent media in the country able to report on them. However, there is a significant concern that the number of ED could dramatically increase ahead of the upcoming general election and specifically target political oppositions, human rights activists, and those critical of the government.

Torture endemic amid rampant impunity

We are deeply concerned about the government's lack of commitment to acknowledge, combat, and punish torture. Torture is endemic, and it is routinely used by the state as a tool to intimidate and oppress political opponents, dissenting voices, vulnerable groups and ordinary citizens alike. In most cases, victims are tortured during interrogation while in remand. According to data gathered by Odhikar, at least 125 persons were tortured to death by law enforcement agencies from January 2009 to May 2018. In the vast majority of cases there seem to be no investigations into the torture allegations, left alone prosecution or conviction of the perpetrators.

Increasing violence against peaceful protesters and journalists

In late July and early August 2018, largely peaceful protests occurred in Dhaka after two teenagers were killed by a speeding bus on 29/07/2018 in the capital. Tens of thousands of students took to the streets to demand road safety and reforms in the transportation sector. The peaceful protests were met with excessive force by the police who, according to eyewitnesses, used rubber bullets and, in some cases, live bullets, as well as teargas canisters in an attempt to disperse the students. Protesters said they were also attacked by government supporters belonging to the ruling Awami League's student and youth wings, the Bangladesh Chhatra League (BCL) and the Awami Juba League, with sticks, iron rods, and machetes.

During the clashes, hundreds were injured and an unknown number of protesters were arrested and detained, many under Section 57 of the Information and Communication Technology (ICT) Act, which has been systematically used to judicially harass human rights defenders (HRDs), journalists and dissenting voices. There were also reports of female detainees being molested. Moreover, on 4/08/2018, in an attempt to prevent individuals from sharing information

[1] http://www.newagebd.net/article/46322/37225-arrested-since-may-18-amu

[2] https://www.aljazeera.com/indepth/features/bangladesh-activists-killed-war-drugs-180810083219446.html/

[3] http://www.dailynayadiganta.com/first-page/333810/

citizens relating to the protests, the government ordered telecommunication operators to suspend mobile Internet service across large parts of the country.

Abuse of repressive legislation

Despite having been repealed decades ago, sections of the **1974 Special Power Act (SPA)**, which empowered the police to arrest and prosecute people for holding secret meetings in an attempt to topple an elected government, are still being used to suppress Bangladeshi citizens' rights to freedom of expression, peaceful assembly, and association.

On 25/05/2018, 36 individuals were arrested by the police under Sections 16(2) and 25(D) of the SPA for allegedly holding secret meetings for the destruction of Singair Police Station under Manikganj District. On 23/07/2018, the High Court warned the Inspector General of the Police "not to file any new case under the repealed sections of the SPA", which include Section 16 in its entirety. Two of the arrested persons under this case are still detained.4

The **2016 Foreign Donations (Voluntary Activities) Regulation Bill** continues to be used by the government to impose tighter controls over the activities of human rights NGOs, hindering their ability to operate. The Bill imposes disproportionate restrictions on freedoms of expression and association in Bangladesh, in violation of international human rights standards, including Articles 12 and 22 of the ICCPR.5

Freedom of opinion and expression

Many independent media outlets have been shut down over the course of the past years, and journalists constantly face reprisals, including threats, physical attacks, arrests, persecution and detention and abuse in remand. We are deeply concerned that the situation will further deteriorate in the lead-up to the general election.

Attack against Mahmudur Rahman6

On 22/07/2018, Mahmudur Rahman, the Acting Editor of the *Daily Amar Desh,* was attacked by a mob of around 100 BCL members outside a courthouse as he was leaving a bail hearing in a case filed against him for allegedly defaming Prime Minister Sheikh Hasina and her niece, British Member of Parliament Tulip Siddiq.

The mob, led by BCL District President Tushar Ahmed, were waiting for Rahman outside the courtroom. When he tried to get into his car, the assailants hurled broken pieces of bricks, targeting his car and breaking its windows, which forced him to take shelter in the offices of an advocate. The BCL men then entered the room and beat Mr. Rahman, leaving him with injuries to the head and face.

This is only the latest in a series of acts of reprisals against Mahmudur Rahman. He was arrested on 11/04/2013 and spent 1,322 days in arbitrary detention before finally being released on bail on 24/11/2016. Despite his release on bail, Mahmudur Rahman is still facing prosecution under 81 cases, mainly on charges of defamation and sedition.

Arbitrary detention and torture of photojournalist Shahidul Alam7

Our organisations are deeply concerned over the arbitrary arrest of renowned photojournalist Shahidul Alam. On 5/08/2018, he was forcibly taken from his house in Dhaka by men in plain clothes who identified themselves as officers of the Detective Branch of the police. He was arrested in relation to so-called "provocative comments" he had made on social media and during an interview to *Al Jazeera,* in which he condemned the violence against the students during the protests. He was charged under Section 57 of the ICT Act. When brought to court, Shahidul Alam was not able to walk without support. He reported that he was tortured while in remand, where he remained for seven days.

Recommendations

We call on the **Human Rights Council** to urge the **Government of Bangladesh** to:

- Immediately suspend the 'war on drugs', order a thorough and independent investigation into all allegations of EJK that occurred as part of anti-narcotics operations and guarantee fair trial rights to all people arrested in the framework of such operations.

[4] https://www.thedailystar.net/frontpage/section-162-special-powers-act-scrapped-yet-used-arrest-1610176
[5] http://www.omct.org/human-rights-defenders/urgent-interventions/bangladesh/2016/10/d23982/
[6] http://www.omct.org/human-rights-defenders/urgent-interventions/bangladesh/2018/07/d24976/
[7] http://www.omct.org/es/human-rights-defenders/urgent-interventions/bangladesh/2018/08/d24990/

- Acknowledge the existence of ED in Bangladesh, ratify the International Convention for the Protection of All Persons from ED (ICPPED), and criminalize ED in accordance with international standards.
- Disclose the fate and whereabouts of victims of ED and conduct thorough and independent investigations into all allegations of ED to bring perpetrators to justice.
- Immediately end the abuses and violence against peaceful protesters, reveal the identities and whereabouts of detained protesters, and release them.
- Repeal or significantly amend all repressive laws which prevent Bangladeshi citizens from enjoying their rights, including their rights to freedom of expression, peaceful assembly, and association.
- Prevent and put an end to all acts of harassment and reprisals, including at the judicial level, against all HRDs, journalists, and activists in Bangladesh.
- Immediately and unconditionally release Mr. Shahidul Alam and all other HRDs, journalists, and activists arbitrarily arrested and detained for having legitimately exercised their rights and guarantee their physical and psychological integrity in all circumstances.
- End the use of torture and ill-treatment and bring perpetrators to justice.
- Immediately submit Bangladesh's initial report to the UN Committee Against Torture.
- Restore an enabling environment for free and fair elections by providing space for the opposition to campaign and for dissenting voices to express their opinions freely and safely.

**Asian Federation Against Involuntary Disappearances (AFAD), NGO without consultative status, also shares the views expressed in this statement.